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3/Argument.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application entitled: TRACK LIGHTING SYSTEM
FOR 277 VOLT POWER LINE

Applicant: Ole K. Nilssen
Serial No: 06/889,746
Filed: 07/28/86
Group Art Unit: 266
Examiner: CHATMON, SAXFIELD

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I, OLE K. NILSSEN, HERewith
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AMENDMENT A

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Applicant provides the following response to Office Action
dated 07/14/87.

ARGUMENTS IN SUPPORT OF CLAIMS

In re "112" Rejection of claims 1, 4-9, 12, 14-16 and 17-19

Examiner rejected claims 1, 4-9, 12, 14-16 and 17-19 under
35 U.S.C. 112, second paragraph, as being indefinite.

Applicant traverses these rejections for the following
reasons.

(a) In particular, with respect to claim 1, Examiner states
that the recitation of:

"voltage conditioning means connected with the power
line terminal..."
is vague and indefinite.

Then, apparently as "justification" for his position,
Examiner says:

"Note that the output voltage is exactly the same as the input voltage, 120 volts, in the absence of the full wave bridge rectifier providing an absolute voltage of one half the input voltage and means including resistor AR1 diac D11 capacitor CT, ... for adjusting the time constant with a corresponding inverter output voltage adjustment."

Applicant is at a total loss in understanding what Examiner refers to. For instance, where in claim 1 does Examiner find that "the output voltage is exactly the same as the input voltage, 120 volts"? --- Or, where in the specification does Examiner find that "the output voltage is exactly the same as the input voltage, 120 volts"?

(b) With respect to claims 17/18, Examiner states:

"the recitation of a tack light system ... being operative to provide a high frequency voltage .." is vague and indefinite".

Again, Applicant is at a loss to understand what Examiner refers to.

Perhaps Examiner means to refer to the following recitation of claims 17/18:

"an electric power track means: i) connected with an electric utility power line, ii) having track conductors, iii) being operative to provide a high frequency voltage at these track conductors"?

Clearly, this recitation refers to the combination of a frequency-converting power supply (ex: SEVC of Fig. 4) and a power track (SPT) having track conductors (STC), where the power supply is connected in circuit between the power line (PLC) and the track conductors, thereby providing high-frequency voltage thereon.

(c) In connection with claims 17/18, Examiner asks:

"How can a track lighting system provide a high frequency voltage in the absence of an inverter?"

Applicant does not understand the relevance of this question.

Where and how does Applicant describe or even indicate that "a track lighting system provide a high frequency voltage in the absence of an inverter"?

If Examiner means to refer to the term "electric power track means" in claims 17/18, Applicant points out that there is no indication whatsoever in those claims to the effect that an inverter is absent from this "electric power track means".

In re "103" Rejection of Claims 1-19

Examiner rejected claims 1-19 under 35 U.S.C. 103 as being unpatentable over Spira et al ("Spira") in view of Kivari and Neumann et al ("Neumann").

Applicant traverses these rejections for the following reasons.

(d) Examiner has provided no evidence to the effect that a person of ordinary skill in the art relevant hereto would have been motivated to seek to combine Kivari and Neumann with Spira in such particular manner as to attain the claimed invention as it is specifically defined.

In particular, Applicant can find nothing in Spira to the effect of suggesting that it might be advantageous to combine its teachings with teachings such as those of Kivari and Neumann in exactly such manner as to attain the claimed invention as it is specifically defined.

If Examiner were to persist in his position to the effect that Spira does indeed suggest that it might be advantageous to combine its teachings with those of Kivari and Neumann, Applicant requests of Examiner to explain -- in a manner that would be plainly and clearly understandable to a person possessing ordinary skill in the relevant art -- exactly where and how such suggestion is provided by Spira.

In attempting to "justify" his position, Examiner refers to the fact that Spira suggests that his system might be used for powering incandescent lamps, stating in effect that this fact constitutes sufficient motivation for seeking to attain the claimed invention as it is specifically defined.

However, Examiner's rationale is clearly inadequate.

Applicant is willing to accept that the Spira system could indeed be used for powering incandescent lamps. However, before Examiner can establish a case of obviousness relevant to instant situation, he must provide credible answers to the following questions:

i) Why would a person of ordinary skill in the art relevant hereto wish to use Spira for powering incandescent lamps in the specific manner defined by the claimed invention?;

ii) What obvious advantage could possibly be attained thereby?; and

iii) What evidence exists with respect to supporting any answers to these questions?